

**TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT**

TO: Mayor and Councilmembers

FROM/PHONE: Marcie Nolan, AICP, Acting Development Services Director

PREPARED BY: Daniel J. Stallone, Code Compliance Official

SUBJECT: Resolution

AFFECTED DISTRICT: 4

ITEM REQUEST: Schedule for Council Meeting

TITLE OF AGENDA ITEM: MITIGATION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A REQUEST FOR MITIGATION OF CODE COMPLIANCE LIENS IN CASE NO.07-1217 FROM \$5,000.00 IN AMOUNT TO \$ 1,635.98; AND PROVIDING AN EFFECTIVE DATE.

REPORT IN BRIEF: The Code Compliance Division initiated a code compliance case on September 7, 2007, related to the failure of the property owner to adhere to code section 9-2(b) as it relates to the accumulation of garbage and debris on the premises, and 12-33(U) nuisance/eyesore created by the general appearance of the property not being maintained in a neat and clean manner.

On November 6, 2007 the Town's Special Magistrate issued an Order Imposing Municipal Code Enforcement Lien and Administrative Fine in the amount of \$5,000.00 for ten (10) days of non compliance for the above violations.

Town of Davie Code Compliance Division has determined that the violation of Code Sections 9-51(b) and 12-33(U) were corrected and the property is in compliance.

PREVIOUS ACTIONS:

FISCAL IMPACT: not applicable

Has request been budgeted? n/a

RECOMMENDATION(S): The Code Compliance Division recommends the approval of the mitigation amount equal to \$1,635.98 as per the mitigation schedule and guidelines.

Attachment(s): Resolution, Mitigation worksheet, Mitigation Application Review Form, Mitigation Request letter from applicant, Mitigation Request Summary, Mitigation Inspection Report, Mitigation Guidelines.

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A REQUEST FOR MITIGATION OF CODE COMPLIANCE LIENS IN CASE NO.07-1217 FROM \$5,000.00 IN AMOUNT TO \$ 1,635.98; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Hassanali Honarvar has requested a mitigation of a Code Compliance lien from \$5,000.00; and

WHEREAS, the Town of Davie Code Compliance Division has determined that the violation of Code Sections 9-51(b) and 12-33(U) were corrected; and

WHEREAS, the Town of Davie Code Compliance Division Mitigation Guideline has proscribed a mitigation amount equal to \$1,635.98; and

WHEREAS, Hassanali Honarvar and the Town of Davie Code Compliance Division are agreeable to the mitigation of the Code Compliance lien; and

WHEREAS, the Town Council is agreeable to such mitigation of the Code Compliance lien.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1. That the certain Code Compliance lien arising out of Case No.07-1217 in the amount of \$5,000.00 against Hassanali Honarvar., is hereby mitigated in amount to \$1,635.98.

SECTION 2. That this mitigated amount of \$1,635.98 be paid to the Town within 45 days of the enactment of this Resolution. Should this amount of \$1,635.98 not be paid within the specified time the lien shall revert to the original amount of \$5,000.00.

SECTION 3. This Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS ____ DAY OF _____, 2008

MAYOR/COUNCILMEMBER
ATTEST:

TOWN CLERK

APPROVED THIS ____ DAY OF _____, 2008

**TOWN OF DAVIE CODE COMPLIANCE
MITIGATION WORKSHEET
CASE #07-1217**

Respondent(s): Hassanali Honarvar

Address: 13850 SW 20th Street
Davie, FL 33326

Fine/Lien Amount: \$5,000.00

Mitigation Recommendation:
(as per approved mitigation guidelines)

A) 7.5% of \$5,000.00 = \$ 375.00

B) 5% of \$5,000.00 for
10 days of non compliance = \$ 250.00

c) Mitigation Base Fee = \$ 1,010.98
(Town costs incurred by
Code Compliance)

Total = \$ 1,635.98

**TOWN OF DAVIE
CODE COMPLIANCE DIVISION
MITIGATION APPLICATION REVIEW FORM**

SECTION 1: (To be completed by Code Compliance Supervisor)

1. Name of Respondent(s)/Applicant(s): Hassanali Honarvar
2. Case Number: Code Compliance Case no. 07-1217
3. Total amount of Code Compliance Lien(s)/Administrative Fine(s): \$5,000.00
4. Is Respondent(s)/Applicant(s) in compliance with applicable Town Code Sections? X Yes No
(If the answer to Question 4 is no, do not complete Question 5, as compliance is a prerequisite to further processing.)
5. Mitigation amount recommended by the Town Council approved guidelines: \$1,635.98

SECTION 2: (To be completed by Respondent(s)/Applicant(s))

1. Please state any and all reasons why the Town should agree to mitigate the Code Compliance Lien(s)/Administrative Fines:

Signature:  Date: 4/16/08

2. Please indicate the amount which you request the Code Compliance Lien(s) be mitigated to: \$ 1,635.98

NOTE: The Code Compliance Division will submit your request to the Town Council to either accept or deny your mitigation amount; if your request is less than the mitigation guideline amount, the Code Compliance Division shall automatically make a recommendation to deny your mitigation request. In the event you do not agree with the mitigation guideline amount as set forth in Section 1 above, the matter will be referred to a Special Magistrate who will make a recommendation to the Town Council. The decision to grant or deny the request for mitigation will be made by the Town Council. In the event the Town approves your mitigation request, you must pay the mitigated amount to the Town of Davie within 45 days of Town Council approval or the Code Compliance Lien(s)/Administrative Fine(s) will remain in effect in the original amount.

SECTION 3: (To be authorized by Department Director)

The Code Compliance Division hereby submits the request made by the Respondent/Applicant, in Section 2, to mitigate the Code Compliance Lien(s)/Administrative Fine(s) in Case Number from a total of \$5,000.00 \$1,635.98 to the amount requested by the Respondent/Applicant which is \$1,635.98, for consideration by the Town Council.


Code Compliance Official

4/23/08
Date

Department Director

Date

MITIGATION REQUEST SUMMARY

DATE: March 27, 2008

NAME: Hassanali Honarvar

ADDRESS: 13850 SW 20 Street
Davie, FL 33325

CASE: 07-1217

SUMMARY:

Date respondent cited: September 7, 2007

Date of Final Order: September 27, 2007

Non-Compliance Hearing(s): November 6, 2007

Fine/Lien(s) Imposed:
\$5,000.00

Department	Guideline	recommended	mitigation	amount:
\$1,635.98				
Amount	the	respondent	desires	to pay:
\$1,635.98				

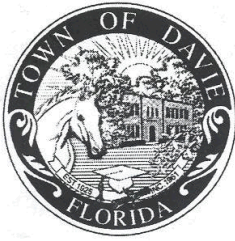
The property owner was cited for the following violations of the Town of Davie Code:

9-2 (b): Accumulation of Garbage

12-33(U): Nuisance/Eyesore

The mitigated amount will cover the Town expenses and the recommended mitigated amount of \$1,635.98 should be considered and approved by the Town Council and the respondent given 45 days to pay the mitigated amount.

DANIEL J. STALLONE
CODE COMPLIANCE OFFICIAL



DEVELOPMENT SERVICES DEPARTMENT
CODE COMPLIANCE DIVISION

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MITIGATION INSPECTION REPORT

CASE NO. 07-1217 DATE MITIGATION REQUESTED 1/8/08
DATE FINAL ORDER ISSUED: 9/26/07 REINSPECTION DATE 3/7/08
RESPONDENT(S) Hassanali Honarvar
PROPERTY ADDRESS 13850 SW 20 ST

VIOLATIONS ☒ COMPLIED ☐ NOT COMPLIED (check one)

MITIGATION HEARING DATE (If applicable) _____

LIST VIOLATIONS COMPLIED: 9-2(b)
12-33(u)

LIST VIOLATIONS NOT COMPLIED: _____

INSPECTOR Opinelli DATE 3/27/08

MITIGATION GUIDELINES

FINE AMOUNT

RECOMMENDATION

Fine to \$10,000

7.5% of the amount plus an additional 5%
For each sixty (60) days of violation plus actual costs incurred by the Town.

\$10,000 - \$20,000

10.0% of the amount plus an additional 6%
For each sixty (60) days of violation plus actual costs incurred by the Town.

\$20,001 - \$30,000

12.5% of the amount plus an additional 7%
For each sixty (60) days of violation plus actual costs incurred by the Town.

\$30,001 - \$40,000

15.0% of the amount plus an additional 8%
For each sixty (60) days of violation plus actual costs incurred by the Town.

\$40,001 - \$50,000

17.5% of the amount plus an additional 9%
For each sixty (60) days of violation plus actual costs incurred by the Town.

\$50,001 - \$60,000

20.0% of the amount plus an additional 10%
For each sixty (60) days of violation plus actual costs incurred by the Town.

\$60,001 - \$70,000

22.5% of the amount plus an additional 11%
For each sixty (60) days of violation plus actual costs incurred by the Town.

\$70,001 - \$80,000

25.0% of the amount plus an additional 12%
For each sixty (60) days of violation plus actual costs incurred by the Town.

\$80,001 - \$90,000

27.5% of the amount plus an additional 13%
For each sixty (60) days of violation plus actual costs incurred by the Town.

\$90,001 - \$100,000

30.0% of the amount plus an additional 14%
For each sixty (60) days of violation plus actual costs incurred by the Town.

Over \$100,000

35.0% of the amount plus an additional 15%
For each sixty (60) days of violation plus actual costs incurred by the Town.

This schedule would be utilized for first time violators and repeat violators.

MITIGATION BASE FEE (COST OF CASE ADMINISTRATION AND DEVELOPMENT) SHALL BE ADDED TO THE TOTAL DERIVED FROM APPLICATION OF ABOVE GUIDELINES. THE MITIGATION BASE FEE IS BASED UPON THE EXPENSES INCURRED BY TOWN EMPLOYEES AND ALL ACCOMPANYING COSTS.
MITIGATION BASE FEE* \$ 1010.98

*Subject to revision as per current staff salaries.

